

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 16 JUN 2005

WIPO

PCT

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27/09.

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/003189

International filing date (day/month/year)
24.03.2005

Priority date (day/month/year)
27.03.2004

International Patent Classification (IPC) or both national classification and IPC
G01B11/02, G01N21/88, G01N33/44

Applicant
FIRMA TEXMAG GMBH VERTRIEBSGESELLSCHAFT

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
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Authorized Officer

Consalvo, D

Telephone No. +49 89 2399-7093



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/003189

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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International application No.
PCT/EP2005/003189

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------------|
| Novelty (N) | Yes: Claims | 4-12,21-26 |
| | No: Claims | 1-3, 13-20 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-26 |
| Industrial applicability (IA) | Yes: Claims | 1-26 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. The following documents are referred to in this communication:

- D1: US-A-4 895 029 (YAMADA ET AL) 23 January 1990 (1990-01-23)
- D2: DE 197 20 308 A1 (PARSYTEC COMPUTER GMBH, 52070 AACHEN, DE) 19 November 1998 (1998-11-19)
- D3: US 2001/042847 A1 (EISEN JUERGEN ET AL) 22 November 2001 (2001-11-22)
- D4: DE 199 46 520 A1 (PARSYTEC AG) 29 March 2001 (2001-03-29)
- D5: EP-A-0 365 874 (HUGHES AIRCRAFT COMPANY) 2 May 1990 (1990-05-02).

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 13 is not new in the sense of Article 33(2) PCT.

The document D1, see col. 3, line 40-col. 5, line 54, and Figures 1 and 2, discloses:

Apparatus for detecting defects or geometrical characteristics in joints (1a) of sheet pieces in an unloaded state, comprising:

- a. at least one source (2) of electromagnetic radiations which are suited to be directed towards at least one of said joints (1a);
 - b. one or more sensors which can detect the radiation reflected or refracted by said at least one joint (1a);
- characterised in that:
- c. said radiation source (2) is a source of electromagnetic non-unidirectional radiation; and
 - d. said sensor (3) makes a two-dimensional detection of said reflected or refracted radiation.

Document D1 describes a defect detection method which comprises all of the features

of the independent method 1. Therefore, this subject-matter lacks novelty as well in the sense of Article 33(2) PCT.

3. Nor do the additional features of dependent claims 14-26 and 2-12 provide a basis for a new and inventive subject-matter. This is because these features have already been employed for the same purposes in the prior art, else represent obvious alternatives to the measures adopted here:
 - 3.1 The features of claims 14-20 and 1-3 are explicitly disclosed in D1, see col. 3, line 40-col. 5, line 54. So this subject-matter is not new anyway.
 - 3.2 In the light of D2 (cf. column 3, line 32-col. 4, last line), D3 (cf. Figures 2-4), D4 (cf. column 4, line 37-column 5, line 40, and Figure1), and D5 (cf. column 3, line 37-column 5, line 50) the feature of claims 21-26 represents one possibility for implementing the teaching of claim 13 available to the skilled person.
 - 3.3 The feature of claims 4-12 relate to particular embodiments, such as calibration procedures, that come into the scope of customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance.

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International application No.
PCT/EP2005/003189

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

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| | No: Claims | 1-26 |
| Industrial applicability (IA) | Yes: Claims | 1-26 |
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see separate sheet

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- d. said sensor (3) makes a two-dimensional detection of said reflected or refracted radiation.

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